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Resolve, Regarding Continuity of Care in the Child Development Services System

Sec. 1 Department of Education to amend rules. Resolved: That, in order to ensure continuity of care, the Department of Education shall amend its rules governing special education to provide that:

1. For children enrolled in the Child Development Services System, as defined in the Maine Revised Statutes, Title 20-A, section 7001, subsection 1-A, collateral contact must be reimbursable at the same rate that it is reimbursable under the MaineCare program when the Individualized Educational Program Team determines the service to be appropriate;

2. The Individualized Educational Program Team make a determination about extended school year services at every Individualized Educational Program Team meeting;

3. The Individualized Educational Program Team may make a determination about extended school year services based on available data, including information about a child's disability, even if an interruption in service has not occurred;

4. In accordance with the federal Individuals with Disabilities Education Improvement Act of 2004, 20 United States Code, Sections 1400 to 1485 (2008), a regional site may not unilaterally limit the duration of extended school year services; and

5. Initial evaluations for special education must include procedures to determine whether a child is a child with a disability, as defined in 20 United States Code, Section 1401 (2008), within 60 calendar days of receiving parental consent for children in the Child Development Services System and within 45 school days of receiving parental consent for children in public schools and that the department may, as part of the rule-making process and in a manner consistent with major substantive rulemaking, further amend its rules to adjust timelines in the Child Development Services System to be consistent with this section.

SUMMARY

This resolve directs the Department of Education to amend its rules governing special education to align reimbursement of collateral contact with the MaineCare program; to require each Individualized Educational Program Team to make a determination regarding extended school year services at every Individualized Educational Program Team meeting; to clarify that the Individualized Education Program Team may make a determination about extended school year services based on available data, including information about a child's disability, even if an interruption in service has not occurred; to clarify that a Child Development Services System regional site may not unilaterally limit the duration of extended school year services; and to adjust the timeline for special education evaluation to 60 calendar days for the Child Development Services System while leaving it at the current state standard of 45 school days for public school districts.